

In re: Ronald D. Hoover
Serial No. 09/862,939
Filed: May 22, 2001
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Remarks/Arguments

The Applicant appreciates the opportunity to interview the Examiner on March 2, 2004 and notes the Examiner's thorough review of this case.

The Applicant respectfully submits that pending Claims 1-3, 5-9, and 14-19 are allowable as presented herein.

The Applicant cancels in this paper Claims 10-12 and Claims 20-22 which were not elected for examination. Claim 4 was canceled pursuant to the Amendment and Response of January 29, 2003. Claim 13 was canceled pursuant to the Amendment and Response of July 11, 2003.

The Applicant amends Claims 1, 3, 5, 7-9, 14-17, and 19.

During the March 2, 2004 interview, the Examiner agreed to consider minor modifications to the claim set as presented by the Applicant. Accordingly, the Applicant adds new Claims 23-28. During the prosecution of this application, the Applicant has canceled several claims. The Applicant has paid the fee for a total of twenty claims, including three independent claims. Accordingly, the Applicant adds new claims to further define the present invention.

Each new claim is fully supported by the original specification and is allowable over the cited art. The Applicant provides information regarding each new claim for the convenience of the Examiner. Claim 23 recites a second catch in the vertical member as clearly shown in the drawings and described in the original specification at page 7, lines 1-4. Claims 24 and 25 account for an embodiment, as shown in the original drawings, in which the sidewalls of the container or the end walls of a respective insert may be used along with one adjacent barrier to form channels on each end of the apparatus. Claim 26 recites a U-shaped neck rest as disclosed in the specification at page 7, line 8. Claim 27 is an independent claim directed to a spinner bait container with elements

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previously considered by the Examiner. Claim 28 recites the catch of a spinner bait container as disclosed in the original specification at page 6, lines 21-22.

Section 102 Rejections

The Examiner rejects Claims 1-3, 5, 6 and 14 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,228,232 issued to Miles. As noted in the Interview Summary of March 2, 2004, the Examiner has agreed to reconsider the § 102(b) rejection upon the Miles '232 patent because Miles does not show "a first catch in at least one of said substantially vertical members for compressing an upper segment of a lure toward the lower segment of a lure."

The Examiner originally cited a slot within the Miles apparatus (Reference Nos. 50, 56) as disclosing the recited catch. The slot of the Miles '232 patent serves a different purpose than the Applicant's catch. The Miles slot only provides a groove into which one may slide part of the lure to separate that lure from others. Miles neither discloses nor suggests that the slot could provide any means of compressing the lure to hold the lure secure within the channel. The Applicant respectfully submits that Claims 1-3, 5, 6, and 14 are allowable over the Miles '232 patent.

Claim Objections

The Examiner objected to Claim 15 as being dependent upon a rejected base claim. Independent Claim 1 is allowable over the Miles '232 patent, as discussed above. The Applicant, therefore, respectfully requests that the Examiner withdraw the objection to Claim 15, which now depends from an allowable claim.

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Conclusion

The Applicant respectfully submits that all of the pending claims are allowable and requests the Examiner to issue a Notice of Allowance in regard to the amended claim set presented herein.

Respectfully submitted,



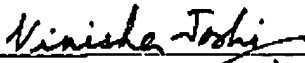
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (Fax No. 703-872-9306) on the date shown below.

Vinisha Joshi



Signature

March 16, 2004

Date